

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: AETNA UCR LITIGATION

MDL NO. 2020

MASTER DOCKET NO. 2:07-3541(FSH)(PS)

This Document Relates to: ALL CASES

**DECLARATION OF ROBERT J. AXELROD IN OPPOSITION
TO DEFENDANTS' MOTIONS TO EXCLUDE THE OPINIONS DR. BERNARD R.
SISKIN, DR. STEPHEN FOREMAN,
AND DR. GORDON RAUSSER
(28 U.S.C. § 1746)**

ROBERT J. AXELROD, under penalty of perjury, avers the following:

1. I am a member of Pomerantz Haudek Grossman & Gross LLP, Chair of the Plaintiffs' Executive Committee. I make this Declaration in Opposition to Defendants' Motions to Exclude the Reports and Testimony of Dr. Bernard R. Siskin, Dr. Stephen Foreman, and Dr. Gordon Rausser.

2. A true and correct copy of the Declaration of Stephen Foreman, Ph.D., J.D., M.B.A. Relating to Defendants' Motions to Exclude dated August 23, 2010 ("Foreman Declaration") is annexed as Exhibit 1. Dr. Foreman's initial report on class certification titled Expert Report of Stephen Foreman dated April 6, 2010 is attached as Exhibit A, his supplemental report on class certification titled Responsive Report of Stephen Foreman dated May 1, 2010 is Attached as Exhibit B, and his merits report titled Corrected Expert Report of Stephen Foreman dated August 9, 2010, is attached as Exhibit C to the Foreman Declaration.

3. A true and correct copy of excerpts from the Deposition of Dr. Bernard R. Siskin dated May 13, 2010, at 134:3-22; 140:18-141:6; 201:17-202:4; 205:12--208:9; 226:25-230:6, is annexed as Exhibit 2.

4. A true and correct copy of the Expert Report of Dr. Bernard Siskin dated August 9, 2010, is annexed as Exhibit 3.

5. A true and correct copy of the Declaration of Gordon Rausser, Ph.D. in Opposition to Motion to Exclude Testimony dated August 23, 2010 is annexed as Exhibit 4.

6. A true and correct copy of Expert Witness Report of Gordon Rausser dated August 9, 2010, is annexed as Exhibit 5.

7. A true and correct copy of excerpts from the Deposition of Dr. Stephen Foreman dated May 17, 2010, at 44-45, 179-80, & 184, is annexed as Exhibit 6.

8. A true and correct copy of excerpts from the Deposition of Dr. Stephen Foreman dated May 18, 2010, at 342-46, & 577-80, is annexed as Exhibit 7.

9. A true and correct copy of a document, produced in discovery with Bates numbers INGENIXMDL000074387 – INGENIXMDL000074390, is annexed as Exhibit 8.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd day of August, 2010.

s/ Robert J. Axelrod

Robert J. Axelrod